

REMARKS/ARGUMENTS

This paper is being submitted in response to the Non-Final Office Action dated August 11, 2006, wherein claims 45-49, 51-55, and 57-59 have been rejected and are currently pending.

Claim Rejections under 35 U.S.C. § 103:

Claims 45-49, 51-55, and 57-59 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,823,327, issued to Klug (hereinafter *Klug*), in view of U.S. Pat. No. 6,055,573, issued to Gardenswartz (hereinafter *Gardenswartz*), and in further view of U.S. Pat. App. Pub. No. 2002/0023123, filed by Madison (hereinafter *Madison*). Applicants respectfully traverse the foregoing rejections for the following reasons.

Regarding independent claim 45, representative also of independent claims 51 and 57, the combination of *Klug*, *Meyer*, and *Gardenswartz* fails to disclose or suggest a method for automatically registering a user that includes both, “generating a request to transmit a plurality of profile elements to a selected server system from among a plurality of server systems” and “transmitting said request to a portable computer system in response to a determination that said portable computer system is within a particular proximity to said plurality of server systems.”

On page 4, the Office Action incorrectly asserts that Fig. 1 of *Klug* discloses generating a request to transmit a plurality of profile elements to a selected server system from among a plurality of server systems.” Fig. 1 of *Klug* is a block diagram of a web site registration information processing system depicted as generally functioning within a networked environment. *Klug*’s Fig. 1 depicts various World Wide Web (WWW) entities including a client node 108 having a resident browser 120 and interconnected via WWW 104 to a registrar website 100 and third party websites 116. Nothing in Fig. 1 itself or its description beginning at col. 4, line 20, discloses or suggests a step in which registrar website 120 or any other equivalent of the claimed requesting “server system” generates or transmits a request to transmit multiple profile elements in accordance with the proximity of a portable computer to multiple servers as expressly required by the claim language.

In further regard to the grounds for rejecting claim 45, page 9 of Office Action asserts that *Madison* discloses communicating with a portable computer system in response to a determination that said portable computer system is within a particular proximity to said plurality

of server systems/website/particular locations (Abstract; Fig. 2; Fig. 3; para. [7, 32]) and that based on the position of the user a request for demographic information will or will not be made ([32]). Applicants contend that while *Madison* does disclose a geographic cookie file that may be used to transmit localized data or to block transmission of data to specified geographic location, nothing in *Madison* or the other references in any combination discloses using proximity of a portable computer system to a plurality of server systems as a determining factor in whether to transmit a request to transmit a plurality of profile elements. Therefore the combination of references fails to disclose or suggest a step of “transmitting said request to a portable computer system in response to a determination that said portable computer system is within a particular proximity to said plurality of server systems” as expressly recited in claim 45.

With continued reference to the grounds for rejecting claim 45 (and similarly for claims 51 and 57), Applicants contend that the combination of *Klug*, *Gardenswartz*, and *Madison* fails to disclose or suggest a method that includes the combination of steps of “generating a request to transmit a plurality of profile elements to a selected server system from among a plurality of server systems” and transmitting this request to a portable computer system, “wherein said selected server system is identified at said portable computer system utilizing data within said plurality of profile elements specifying a consumer preference.” The final Office Action dated December 13, 3005 cited *Klug*, col. 2, line 65 – col. 3, line 7 as disclosing determining at the user computer based on user preferences which server to communicate with. Page 4 of the present Office Action replaces the foregoing assertion with a mere conclusory statement that “the combination of the prior art renders obvious ... “generating a request to transmit a plurality of profile elements to a selected server system from among a plurality of server systems” and fails to directly address the characterization of the “selected server system” as being “identified at said portable computer system utilizing data within said plurality of profile elements specifying a consumer preference.” Applicants note that *Klug*’s description at col. 2, line 65 – col. 3, line 7 is limited to a very general description of possible multiple registrations in which a user requests automatic registration simultaneously. Nothing in *Klug*, *Gardenswartz*, and *Madison*, individually or in any combination disclose or suggest a registration process in which a server generates and transmits a request to a portable computer system to transmit multiple profile elements that specify consumer preferences as required by the claim language.

For at least the foregoing reasons, Applicants respectfully submit that claim 45 is allowable in view of the Examiner's cited references. Applicants submit that each of claims 51 and 57 include one or more elements substantially similar to those described herein with respect to claim 45 and are therefore allowable for at least the reasons stated with respect to that claim. All remaining claims depend directly or indirectly from Applicants' claims 45, 51, or 57 and are therefore similarly allowable.

CONCLUSION

In light of the amendments and remarks made herein, Applicants submit that all pending claims are allowable and request a Notice of Allowance thereof. Applicants invite the Examiner to contact the undersigned attorney of record at (512) 343-6116 if it is believed such contact will expedite prosecute of the pending application.

Respectfully submitted,



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